

# Town Board Minutes

November 1, 2004

Meeting No. 38

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 1<sup>st</sup> day of November at 8:00 P.M. and there were

**PRESENT:** DANIEL AMATURA, COUNCIL MEMBER  
MARK MONTOUR, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
ROBERT LABENSKI, TOWN ENGINEER  
RICHARD SHERWOOD, TOWN ATTORNEY  
JEFFREY SIMME, BUILDING INSPECTOR  
CHRISTINE FUSCO, ASSESSOR  
TERRENCE McCracken, GENERAL CREW CHIEF

**EXECUTIVE SESSION:**

UPON MOTION DULY MADE BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER MONTOUR, to deliberate in Executive Session for the announced purpose of discussing particular personnel matters which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

At 10:03 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

**PERSONS ADDRESSING TOWN BOARD:**

**Beutler, Daniel**, 26 Tyler Street, spoke to the Town Board on the following matters:

- Questions about Public Hearing held by New York State on October 25, 2004 regarding Buffalo Corridor Study.
- Questions about traffic study for Pleasant Meadows particularly Harris Hill Road and Pleasant View Drive.

**Chowaniec, Lee**, 93 Northwood Drive, spoke to the Town Board on the following matters:

- Questions about Pleasant Meadows proposed subdivision and Town's requirement for excavation permit.
- Questions about State Environmental Quality Review procedures regarding FEIS of Pleasant Meadows Subdivision.
- Comments about wetlands and Pleasant Meadows Subdivision.
- Questions about testing of fire hydrants and adequate pressure for each hydrant.

**Howell, Gary**, 48 Park Blvd, spoke to the Town Board on the following matter:

- Questions regarding the Town Code related to excavations.

**Symer, Donald**, 610 Columbia Avenue, spoke to the Town Board on the following matter:

- Questions regarding grant amounts for Youth Bureau programs and how many youth are served by the programs.
- Informed the Board that someone has left dead shrubs at the culvert entrance behind Kennedy Court; he would like the Town to clear out the culvert.
- Questions regarding work being performed by the developer at Columbia Gardens.

**Owens, Donald**, representing Earth Dimensions, Inc., 1091 Jamison Road, spoke to the Town Board on the following matter:

- Presented to the Town Board a summation report of their soils investigation of Pleasant Meadows Subdivision.

**Rybert, Donald**, 75 Westwood Road, spoke to the Town Board on the following matters:

- Questions regarding the water pressure in his area; feels that the new pump station is not functioning adequately.
- Questions about the fire that occurred on Benzel Drive last month.

**PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:**

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon an application for a Special Use Permit for a used light truck and recreational vehicle sales business on premises located at 73 Cemetery Road.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
None		

ON MOTION BY COUNCIL MEMBER MONTOUR, AND SECONDED BY COUNCIL MEMBER RUFFINO, FOR ADJOURNMENT OF THE PUBLIC HEARING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:31 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

November 1, 2004

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED**, that the minutes of the Joint Meeting of the Planning Board and the Town Board held October 18, 2004 and the Regular Meeting of the Town Board held October 18, 2004 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 1, 2004

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the regularly scheduled Town Board meeting of  
November 15, 2004 be and is hereby canceled and is hereby rescheduled to the following day,  
Tuesday, November 16, 2004 at 8:00 P.M. and will be preceded by a Town Board Worksession  
at 7:00 P.M. at the Town Hall, 21 Central Avenue, Lancaster, New York, and

**BE IT FURTHER**

**RESOLVED**, that the Town Clerk be and is hereby directed to notify the  
Buffalo News and the Lancaster Bee of this change in meeting dates.

The question of the adoption of the foregoing resolution was duly put to a  
vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 1, 2004

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS,** Lovejoy Builders, Inc., 1164 Lovejoy Street, Buffalo, New York 14206, has requested the Town Board of the Town of Lancaster accept work completed under a Street Lighting Public Improvement within Michael’s Landing Subdivision, Phase II, within the Town of Lancaster, and

**WHEREAS,** the Town Engineer has inspected the improvement and has recommended the approval thereof, and

**WHEREAS,** the Town Attorney by letter to the Town Clerk dated October 22, 2004 has reported his favorable review of all necessary deeds, easements and documents required to be filed for the acceptance of these public improvements.

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the following completed Street Lighting Public Improvement within Michael’s Landing Subdivision, Phase II, be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 588 \_ Street Lights  
and,

**BE IT FURTHER**

**RESOLVED,** that a copy of this resolution be directed by the Town Clerk to the New York State Electric & Gas Corporation with a request to energize the street lights herein.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 1, 2004

File: RPIP

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS,** Overlook Estates LLC, 6495 Transit Road, Bowmansville, New York 14026, has requested the Town Board of the Town of Lancaster accept work completed under a Street Lighting Public Improvement within Valley Overlook Subdivision within the Town of Lancaster, and

**WHEREAS,** the Town Engineer has inspected the improvement and has recommended the approval thereof, and

**WHEREAS,** the Town Attorney by letter to the Town Clerk dated October 22, 2004 has reported his favorable review of all necessary deeds, easements and documents required to be filed for the acceptance of these public improvements.

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the following completed Street Lighting Public Improvement within Valley Overlook Subdivision, be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 589 \_ Street Lights  
and,

**BE IT FURTHER**

**RESOLVED,** that a copy of this resolution be directed by the Town Clerk to the New York State Electric & Gas Corporation with a request to energize the street lights herein.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 1, 2004

File: RPIP (P4)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, Marrano/Marc Equity Corporation, 2730 Transit Road, West Seneca, New York 14224, has requested the Town Board of the Town of Lancaster accept work completed under a Street Lighting Public Improvement within Summerfield Farms Subdivision, Phase III within the Town of Lancaster, and

**WHEREAS**, the Town Engineer has inspected the improvement and has recommended the approval thereof, and

**WHEREAS**, the Town Attorney by letter to the Town Clerk dated October 28, 2004 has reported his favorable review of all necessary deeds, easements and documents required to be filed for the acceptance of these public improvements,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following completed Street Lighting Public Improvement within Summerfield Farms Subdivision, Phase III, be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 590 \_ Street Lights  
and,

**BE IT FURTHER**

**RESOLVED**, that a copy of this resolution be directed by the Town Clerk to the New York State Electric & Gas Corporation with a request to energize the street lights herein.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 1, 2004



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS,** it is the intention of the Town Board of the Town of Lancaster to sponsor a **Youth Recreation Program** within the geographic area of the Town of Lancaster for the period of January 1, 2005 through December 31, 2005, and

**WHEREAS,** the Town of Lancaster is about to submit a renewal application for state aid for the operation of such Youth Recreation Program to the New York State Office of Children and Family Services, Albany, New York, for partial reimbursement of funds to be expended on said program, and

**WHEREAS,** a proposed budget for the Youth Recreation Program has been submitted for the period January 1, 2005 through December 31, 2005, in the sum of \$931,472 subject to approval by the Town Board.

**NOW, THEREFORE, BE IT**

**RESOLVED,** that submitting a renewal application to the New York State Office of Children and Youth Services is in all respects approved and that Robert H. Giza, Supervisor of the Town of Lancaster, be and hereby is authorized and directed to execute and present the aforesaid application to the New York State Office of Children and Family Services, Albany, New York, for its approval.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 1, 2004

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, it is the intention of the Town Board of the Town of Lancaster to sponsor a **Youth Bureau Program** within the geographic area of the Town of Lancaster for the period of January 1, 2005 through December 31, 2005, and

**WHEREAS**, the Town of Lancaster is about to submit a renewal application for state aid for the operation of such Youth Bureau Program to the New York State Office of Children and Family Services, Albany, New York, for partial reimbursement of funds to be expended on said program, and

**WHEREAS**, a proposed budget for the Youth Bureau Program has been submitted for the period January 1, 2005 through December 31, 2005 in the sum of \$112,671, subject to approval by the Town Board.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that submitting a renewal application to the New York State Office of Children and Family Services is in all respects approved and that Robert H. Giza, Supervisor of the Town of Lancaster, be and hereby is authorized and directed to execute and present the aforesaid application to the New York State Office of Children and Family Services, Albany, New York, for its approval.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 1, 2004

File: Rstate.yth (P4)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, it is the intention of the Town Board of the Town of Lancaster to sponsor a **Youth Service Program** within the geographic area of the Town of Lancaster for the period of January 1, 2005 through December 31, 2005, and

**WHEREAS**, the Town of Lancaster is about to submit a renewal application for state aid for the operation of such Youth Service Program to the New York State Office of Children and Family Services, Albany, New York, for partial reimbursement of funds to be expended on said program, and

**WHEREAS**, a proposed budget for the Youth Service Program has been submitted for the period January 1, 2005 through December 31, 2005, in the sum of \$210,474, subject to approval by the Town Board.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that submitting a renewal application to the New York State Office of Children and Family Services is in all respects approved and that Robert H. Giza, Supervisor of the Town of Lancaster, be and hereby is authorized and directed to execute and present the aforesaid application to the New York State Office of Children and Family Services, Albany, New York, for its approval.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 1, 2004

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, it is the intention of the Town Board of the Town of Lancaster to sponsor a **Youth Initiative\_Social Work Counselor Program** within the geographic area of the Town of Lancaster for the period of January 1, 2005 through December 31, 2005, and

**WHEREAS**, the Town Board has authorized such joint program for the period commencing July 1, 2004 and ending June 30, 2005, with the Lancaster Central School District, and

**WHEREAS**, it is in the public interest that the Town of Lancaster see to the continuation of this worthwhile program inasmuch as the other participant in the program, the Lancaster Central School District, has so indicated its intention to continue the program beyond the current fiscal year, and

**WHEREAS**, a proposed budget for the Youth Initiative\_Social Work Counselor Program has been submitted for the period January 1, 2005 through December 31, 2005, in the sum of \$42,841, subject to approval by the Town Board.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the renewal application to the New York State Office of Youth and Family Services is in all respects approved and that Robert H. Giza, Supervisor of the Town of Lancaster, be and hereby is authorized and directed to execute and present the aforesaid application to the New York State Office of Children and Family Services, Albany, New York, for its approval.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 1, 2004

File: Rstate.yth (P3)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED  
ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the General Crew Chief of the Parks and Recreation Department of the Town of Lancaster by letter dated October 25, 2004 has recommended the appointment of Gordon Ederer to the position of Van Driver, permanent, part- time, at the Senior Citizens Center of the Town of Lancaster.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that **Gordon Ederer**, 342 Aurora Street, Lancaster, New York be and is hereby appointed to the position of Van Driver, permanent, part-time, at the Senior Citizens Center of the Town of Lancaster, effective immediately, at \$7.00 per hour, and that this appointment, being a part time position, provides no health insurance, sick days, vacation or other fringe benefits not specifically mandated for part time employees.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 1, 2004



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the General Crew Chief of the Department of Parks, Senior Facility and Buildings and Grounds of the Town of Lancaster, (Parks Department) has requested the purchase of a MIRACLE RECREATION PLAYGROUND EQUIPMENT three part playground unit, play equipment designed in three components ages 2 to 5, 5 to 12 and one swing set unit for the replacement of playground equipment at Keysa Park, and

**WHEREAS**, the Parks and Recreation Committee of the Town Board recommends that such purchase be authorized.

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

1. That Bids be received by the Town Clerk on November 18, 2004 at 10:00 o'clock A.M. Local Time at the Town Hall, 21 Central Avenue, Lancaster, New York, for the purpose of purchasing a MIRACLE RECREATION PLAYGROUND EQUIPMENT three part playground unit, play equipment designed in three components ages 2 to 5, 5 to 12 and one swing set unit for the replacement of playground equipment at Keysa Park in accordance with specifications on file in the Town Clerk's Office, and
2. That the Town Clerk be and is hereby authorized to place a Notice to Bidders in the Lancaster Bee and post notices thereof as required by Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

**LEGAL NOTICE  
TOWN OF LANCASTER  
NOTICE TO BIDDERS**

**NOTICE IS HEREBY GIVEN**, that sealed bids will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, in the Council Chamber of the Town Hall, 21 Central Avenue, Lancaster, New York, up to 10:00 o'clock A.M., Local Time, on the 18th day of November, 2004, for the purpose of providing to the Town of Lancaster a **MIRACLE RECREATION PLAYGROUND EQUIPMENT** three part playground unit, play equipment designed in three components ages 2 to 5, 5 to 12 and one swing set unit for the replacement of playground equipment at Keysa Park, in accordance with specifications on file in the Town Clerk's Office in the Town Hall, 21 Central Avenue, Lancaster, New York.

A Certified Check or Bid Bond in an amount representing five percentum (5%) of the Total Bid, payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

The Board reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN  
Town Clerk**

November 1, 2004



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER MONTOUR, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has reviewed the 2005 Preliminary Town Budget, and

**WHEREAS**, a Public Hearing on said 2005 Preliminary Town Budget was held by the Town Board of the Town of Lancaster on October 18, 2004.

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

**Section 1.** That the 2005 Preliminary Budget is hereby adopted as the 2005 Final Budget of the Town of Lancaster for the fiscal year beginning on January 1, 2005 and ending December 31, 2005, and that such Budget, as adopted, be entered in detail in the minutes of the proceedings of this Town Board:

	APPROPRIATIONS	ESTIMATED REVENUES	APPROPRIATED FUND BALANCE	APPROPRIATED DEBT SERVICE RESERVE	AMOUNT TO BE RAISED BY TAXATION
General Fund -Townwide	\$7,145,282	1,984,140	580,000	10,000	\$4,571,142
General Fund -					
Town Outside Villages	682,070	603,500	78,570	-----	
Police Fund	6,625,367	2,861,642	-----	-----	3,763,725
Highway Fund -Townwide	68,321	2,050	15,000	-----	51,271
Highway Fund -					
Town Outside Villages	2,709,798	1,490,000	350,000		869,798
Misc. Special Revenue-					
Tree Planting Fee	45,000	25,250	19,750	-----	-----
Misc. Special Revenue-					
Police Asset Forfeitures	10,100	10,100	-----	-----	-----
Misc. Special Revenue-					
Public Safety Fee	-----	-----	-----	-----	-----
Misc. Special Revenue-					
Recreation Filing Fee	175,000	123,000	52,000	-----	-----
Misc. Special Revenue-					
Memorial Garden Fund	2,000	500	1,500	-----	-----
<b>Totals</b>	<u>17,462,938</u>	<u>7,100,182</u>	<u>1,096,820</u>	<u>10,000</u>	<u>9,255,936</u>
Other Items:					
Delinquent Water Bills - Erie County Water Authority					4,433.23
Unpaid Out of District Sewer Charges					1,209.60
Unpaid Grass Cutting Charges					1,250.00
Unpaid Pipe Installation Charges					<u>112.80</u>
Grand Total					9,262,941.63

## **SCHEDULE A**

**SEE ATTACHED**

Also see revised debt statement for serial bonds and bond anticipation notes attached.

**Section 2.** That the Town Clerk of the Town of Lancaster prepare and certify in duplicate copies of said Annual 2005 Budget, as adopted by the Town Board, together with the assessment rolls for benefit improvements, if any, adopted pursuant to Section 202\_A of the Town Law and deliver one (1) copy thereof to the Supervisor.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 1, 2004

File: Rbudgets (P7)

**TOWN OF LANCASTER**

**NOTICE OF ADOPTION OF**  
**2005 BUDGET OF THE**  
**TOWN OF LANCASTER**

**NOTICE TO THE CITIZENS OF THE TOWN OF LANCASTER**

**NOTICE IS HEREBY GIVEN** that the Town Board of the Town of Lancaster has adopted the 2005 Budget of the Town of Lancaster, which includes a summary of the entire proposed 2005 Budget of the Town of Lancaster, and that said Budget is on file with the Town Clerk, 21 Central Avenue, Lancaster, New York, and available for public inspection from 9:00 A.M. to 5:00 P.M., on Monday through Friday.

TOWN OF LANCASTER

JOHANNA M. COLEMAN  
Town Clerk

November 1, 2004

File: RBUDGETS (P8)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has considered and reviewed the 2005 budget estimates and assessment roll for Special Districts spreading the costs on a benefit basis, and

**WHEREAS**, a public hearing on said 2005 Special District Budget estimates and assessment roll was held by the Town Board of the Town of Lancaster on October 18, 2004.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the 2005 budget estimates and assessment roll for Special Districts, spreading costs on a benefit basis, as filed with the Town Clerk on September 15, 2004 and as amended and revised as hereinafter set forth in Schedule B, be and is hereby adopted as the Final 2005 Budget for Special Districts for the Town of Lancaster for the fiscal year beginning on January 1, 2005 and ending December 31, 2005, and that such Budget, as adopted, be entered in detail in the minutes of the proceedings of this Town Board:

APPROPRIATIONS	ESTIMATED REVENUES	APPROPRIATED FUND BALANCE	APPROPRIATED DEBT SERVICE RESERVE	AMOUNT TO BE RAISED BY TAXATION
Refuse District	\$1,995,000		25,000	-----
Lighting Districts	255,017	2,500	20,000	-----
Fire Protection District	2,918,666		12,500	-----
Sewer Districts	200,508	-----	-----	-----
Water Districts	<u>270,143</u>	<u>3,500</u>		<u>5,000</u>
Totals	<b>5,639,334</b>		<b>43,500</b>	<b>20,005,000</b>

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

## **SCHEDULE B**

No Amendments or Revisions



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER MONTOUR, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid  
from the ir respective accounts as per abstract to be filed in the Office of the Town Clerk by the  
Director of Administration and Finance, to wit:

Claim No. 11631 to Claim No. 11856 Inclusive

Total amount hereby authorized to be paid: \$713,011.00

The question of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 1, 2004

File: Rclaims





THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:  
**RESOLVED** that the following Building Permit applications be and are hereby  
reaffirmed:

**CODES:**

(SW) = Sidewalks as required by Chapter 12\_1B. of the Code of the Town Lancaster are  
waived for this permit.  
(CSW) = Conditional sidewalk waiver.  
(V/L) = Village of Lancaster

**NEW PERMITS:**

12413	Lehigh Construction	4155 Walden Ave	Er. Comm. Add.	
12414	Markowski, Norman	5 Pinetree Dr	Er. Shed	
12415	Pucci, Becky	229 Thomas Dr	Er. Deck	
12416	Duro_Shed Inc	15 Thomas Dr	Er. Shed	
12417	Lehrbach, Jeffrey	41 Sussex Ln	Er. Shed	
12418	Sabastiano Const.	26 Taft Ave	Er. Garage	
12419	ABWR Inc	53 William Kidder Rd	Dem. Dwlg.	
12420	Upchurch Const.	22 Steinfeldt Rd	Er. Garage	
12421	Forbes Homes Inc	32 Beatrix Cir	Er. Dwlg._Sin.	
12422	Aldrich, Christopher	463 Aurora St	Er. Fence	
12423	Nichter, Chris	310 Erie St	Er. Comm. Add.	
12424	Tomaselli, Bernadette	5236 Genesee St	Er. Res. Alt.	
12425	Duro_Shed Inc	91 Southwest Pky	Er. Shed	(V/L)
12426	Town Of Lancaster	525 Pavement Rd	Er. Pole Barn	
12427	Wargula, John	450 Lake Ave	Alt. Windows	
12428	Marrano/Marc Equity	13 Ashwood Ct	Er. Dwlg._Sin.	
12429	Creative Fence Co Inc	193 Laverack Ave	Er. Fence	(V/L)
12430	Lorenc, Brian	91 Beach Ave	Er. Pole Barn	(V/L)
12431	Reger, Tammy	6190 Genesee St	Er. Res. Alt.	
12432	Buza, Geoffrey	18 Quail Run Ln	Er. Fence	
12433	Kaz Brothers Const.	43 Lake Forest Pky E	Er. Res. Alt.	
12434	Barsottelli, William	203 Nathan's Trl	Er. Shed	
12435	Jeziorowski, John	25 Running Brook Dr	Er. Deck	
12436	Lancaster Home Impr	76 Sturm St	Er. Garage	(V/L)
12437	Lancaster Home Impr	76 Sturm St	Inst. Plumbing	(V/L)
12438	Santos, Miguel	73 Southpoint Dr	Er. Shed	
12439	Fox, Jeffrey	24 Traceway	Er. Shed	
12440	Rosenberg, Ellen	42 Cardinal Ct	Er. Shed	
12441	Concord Amish Village	3 Heathrow Ct	Er. Shed	
12442	Volois, David	33 Parkside Dr	Er. Roof Extension	(V/L)

12443	Trembowicz, Agnes	28 Ronald Dr	Er. Fireplce	
12444	Cortese Brothers Inc	25 Sherwood Rd	Er. Res. Add.	(V/L)
12445	Cortese Brothers Inc	37 Stony Brook Dr	Er. Res. Add.	
12446	Duro_Shed Inc	14 Ashwood Ct	Er. Shed	
12447	JBC Properties LLC	5111 Transit Rd	Er. Comm. Add.	

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 1, 2004  
File: Rbldg2

**SUSPENDED RESOLUTION:**

Supervisor Giza requested a suspension of the necessary rules for immediate consideration of the following resolution:

Council Member Ruffino moved to suspend the necessary rules for immediate consideration of the following resolution, seconded by Council Member Amatura, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

**SUSPENSION GRANTED**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, Marrano Marc Equity the developer for the proposed Pleasant Meadows Subdivision located on the north side of Walden Avenue, south of Pleasant View Drive between Central Avenue and Stony Road, has submitted a Final Environmental Impact Statement (FEIS) to the Town, the FEIS being received in the Town Clerk’s office on October 29, 2004, and

**WHEREAS**, the Town’s consulting engineer, Clough, Harbour & Associates, LLP, has caused a review of the prepared FEIS and is satisfied that it meets the criteria for an FEIS and is complete, and

**WHEREAS**, pursuant to 6NYCRR Section 617.11(a) of the SEQR regulations, a lead agency may not make a decision on an action that has been the subject of an FEIS until interested agencies and the public have a reasonable time in which to consider the FEIS before the lead agency issues its written findings statement, and

**WHEREAS**, the Town Board acting as the lead agency after due review and consideration deems that it is in the public interest to provide for a twenty-six (26) day period for the public and interested agencies to consider the FEIS commencing on November 3, 2004 and ending on November 29, 2004.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board the Town of Lancaster hereby accepts the Final Environmental Impact Statement (FEIS) submitted by the project sponsor as complete which commences a twenty-six (26) day period for consideration of the FEIS by the public and interested agencies under 6 NYCRR Section 617.11(a) from November 3, 2004 to the close of Town business on November 29, 2004.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 1, 2004

## COMMUNICATIONS & REPORTS:

887. Highway Superintendent to Town Board -  
Request for resolution to purchase street sweeper from Cyncon Equipment.  
DISPOSITION = Resolution October 18, 2004
888. AMF Bowling Worldwide Inc to Town Clerk -  
Advisement of application for renewal of liquor license for AMF Lancaster Lanes.  
DISPOSITION = Town Attorney
889. NYS Office of Parks, Recreation and Historic Preservation to Town Attorney -  
Comments regarding proposed rezone and construction of apartment buildings, 5692 Broadway. DISPOSITION = Planning Committee
890. NYS DEC to Town Attorney -  
Comments and concerns regarding Draft Supplement DEIS for proposed Pleasant Meadows Subdivision. DISPOSITION = Planning Committee
891. NYS DEC to Forbes Homes Inc -  
Transmittal of permit to construct 2 acres of wetland as compensation for wetland impact in Columbia Gardens Subdivision. DISPOSITION = Received & Filed
892. Erie County Department of Health to Supervisor -  
Notification to conduct study regarding Emergency Medical Services (EMS) in Erie County. DISPOSITION = Received & Filed
893. NYS Thruway Authority to Town Engineer -  
Notification of Public Meeting regarding Buffalo Corridor Study to be held October 25, 2004 at 5:30 PM in Cheektowaga. DISPOSITION = Received & Filed
894. NYS Office of the Comptroller to Supervisor -  
Transmittal of information regarding revenue and appropriation codes for homeland security aid and expenditures. DISPOSITION = Received & Filed
895. Town of Newstead to Supervisor -  
Transmittal of resolution supporting agriculture industry. DISPOSITION = Received & Filed
896. Erie County Sheriff's Office to Supervisor -  
Notification of meeting regarding Citizens' Survey of Police Integrity to be held October 30, 2004 at 11:00 AM in Buffalo. DISPOSITION = Received & Filed
897. NYS DEC to Town Board -  
Transmittal of SEQR Review Amended Negative Declaration regarding application of Buffalo Crushed Stone, Inc. Wehrle Drive/Barton Road Quarry Construction.  
DISPOSITION = Planning Committee
898. Supervisor to NYS DOT -  
Letter requesting prompt decision regarding relocation of Freeman Road for proposed reconstruction of Transit Road. DISPOSITION = Received & Filed
899. Village of Lancaster to Town Board -  
Transmittal of official minutes of meeting held October 11, 2004. DISPOSITION = Received & Filed
900. General Crew Chief to Supervisor -  
Request appointment of Van Driver for Senior Citizens Center. DISPOSITION = Resolution 11/1/04
901. NYS DEC to Mr. Greg Zygaj -  
Response to request for information regarding proposed apartment buildings, 5692 Broadway. DISPOSITION = Planning Committee

902. General Crew Chief to Supervisor -  
Request resolution to solicit bids for playground equipment at Keysa Park.  
DISPOSITION = Resolution 11/1/04
903. NYS Office of the State Comptroller to Supervisor -  
Notice of forthcoming payment of Town’s share of interest earned on Social Security contributions during year of 1986. DISPOSITION = Received & Filed
904. Town of Evans to Town Board -  
Transmittal of resolution supporting agriculture industry and protection of farmland.  
DISPOSITION = Received & Filed
905. Paul A. Tokasz, Majority Leader, NYS Assembly to Supervisor -  
Notice of Local Initiative funding for shelter improvements at Keysa Park.  
DISPOSITION = Resolution 11/1/04
906. Supervisor to Mr. & Mrs. James Schwallie -  
Confirmation of phone conversation denying rumor that Transit Blvd. will connect to Transit Road. DISPOSITION = Received & Filed

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER AMATURA, SECONDED BY COUNCIL MEMBER STEMPNIAK AND CARRIED,** the meeting was adjourned at 10:03 P.M.

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk